

Single Bench

**IN THE HIGH COURT OF JUDICATURE OF HHATTISGARH
AT BILASPUR**

**CRIMINAL REVISION UNDER SECTION 19(4)
OF THE FAMILY COURTS ACT, 1984**

CRIMINAL REVISION No. 239/2006

**APPLICANT/
NON-APPLICANT**

:: Narayan Kumbhakar, S/o.
Shri Shriram Kumbhakar,
aged about 30 years, R/o.
Village Khhprikala, P.S. and
Tahsil - Lormi District
Bilaspur (C.G.)

VERSUS

**NON-APPLICANTS/
APPLICANTS**

:: 1) Smt. Ramayan Kumbhakar
D/o. Shri Budalu Ram
Prajapati, (Divorced wife of
applicant), aged about 27
years,

:: 2) Tushar Kumar, S/o. Narayan
Kumbhakar, aged about 6
years, 'Minor' through
Guardian mother Smt.
Ramayan Kumbhakar
Both residents of Qr.No.C-77,
Subhash Block, SECL, Korba,
infront of NCDC School,
Korba, Tahsil and District
Korba (C.G.)

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**CRIMINAL REVISION UNDER SECTION
19(4) OF THE FAMILY COURTS ACT,
1984 AGAINST THE ORDER DATED
23.3.2006 PASSED BY SHRI RAGHUVIR
SINGH, FAMILY COURT, KORBA,
DISTRICT KORBA (C.G.) IN MJC
No.77/2005**



आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>07-08-2006</u> Shri M.K.Sinha, learned counsel for the applicant. Non-applicants are absent. Heard on admission. This Criminal Revision is directed against the order dated 23-03-2006 passed in M.J.C.No.77/2005 by Family Court, Korba whereby the maintenance of Rs.750/- per month was awarded to the wife (non-applicant No.1 herein) and Rs.500/- per month to the son (non-applicant No.2 herein) from the date of order. Learned counsel for the applicant submits that the two spouses have obtained decree of divorce by mutual consent. His only contention is that the applicant is still ready and willing to keep the wife, non-applicant no.1 herein. He does not impugn the order granting maintenance to the son, the non-applicant No.2. Under explanation to Sub Section (4) of Section-125 of Cr.P.C. "wife" includes a woman who has been divorced by, or has obtained a divorce from, her husband and has not remarried. The liability to maintain the wife thus does not come to an end till the wife remarries. In view of the above factual situation and the submission made by learned counsel for the applicant, no illegality or manifest error of law is seen in the impugned order dated 23-03-2006.	

P.T.O.

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	In the result, this Criminal Revision being devoid of merit is dismissed at the stage of admission. In view of the above, the application M.Cr.P.No.765/2006 for grant of stay also stands disposed of.	Sd-/ Dilip Raosaheb Deshmukh Judge